

### **REMARKS**

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 1-15, 18-22 and 24-74 were pending prior to the Final Office Action. Of these, claims 10-15, 18-22, 24-28 and 66-67 were withdrawn from consideration. In this Reply, claims 53-65, 68-70 and 72-74 are cancelled. Therefore, claims 1-15, 18-22, 24-52, 66-67 and 71 are pending, of which claims 10-15, 18-22, 24-28 and 66-67 are withdrawn from consideration. Claims 1, 29, 37, 42, 47 and 52 are independent.

### **ALLOWABLE SUBJECT MATTER**

Applicants appreciate that the Examiner considers claims 9 and 36 to include allowable subject matter.

### **INTERVIEW CONDUCTED**

Applicants appreciate the Examiner for conducting an interview with applicants' representative on February 10, 2006.

### **§ 102 REJECTION – FUKUSHIMA**

Claims 1-8, 29-64 and 68-74 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Fukushima et al., (US 5,237,553). The rejection  
EHC/HNS/vd

with regard to claims 53-65, 68-70 and 72-74 is rendered moot due to the claims being cancelled. With regard to the remaining claims, Applicants respectfully traverse.

Independent claim 1 recites, in part “specifying defective areas by a host based on information on defective areas listed on the Defect Management Area prior to writing real time data, if the data to be written is real time data”, “generating by the host a write command such that the specified defective areas are not allocated to the real time data to be written as a result of the specifying step” and “writing the real time data by a recording/reproducing device on the optical recording medium in response to the write command.” As recited, the roles for performing the steps of specifying the defected areas, generating the right command and the writing of the real time data are allocated between the host and the recording/reproducing device. As discussed during the interview on February 10, 2006, Fukushima cannot teach or suggest the combination of the above recited features. For at least this reason, independent claim 1 is distinguishable over Fukushima.

Independent claim 29 recites, in part “identifying defective areas by a host”, “generating a write command by the host” and “writing the real time data by a recording/reproducing apparatus.” Again, the roles are specified between the host and the recording/reproducing apparatus. As noted above, Fukushima does not teach or suggest the combination of these features. For at least this reason, independent claim 29 is distinguishable over Fukushima.

Independent claim 37 recites, in part “identifying defective areas by a host”, “generating a write command by the host” and “controlling the recording/reproducing device such that the data on the area of the optical recording medium in response to the write command is written.” Claim 37 also specifies the particular role played by the host and the recording/reproducing device. Fukushima cannot teach or suggest the combination of these features. For at least this reason, claim 37 is distinguishable over Fukushima.

Independent claim 42 recites, in part “receiving from the controller a write command” and “writing the real time data by a recording/reproducing device.” Fukushima does not teach or suggest the combination of these features. For at least these reasons, independent claim 42 is distinguishable over Fukushima.

Independent claim 47 recites, in part “controlling by a controller a write mode such that the data to be written in real time is written ... based on an information on defective areas which is received from a recording/reproducing device.” As discussed during the interview, Fukushima does not teach or suggest this feature. For at least this reason, independent claim 47 is distinguishable over Fukushima.

Independent claim 52 recites, in part “controlling by a controller a write mode such that data provided in real time is written ... by specifying and excluding defective areas” and “wherein an information on defective areas is received from a recording/reproducing unit.” As noted above, Fukushima does

not teach or suggest these features. For at least this reason, independent claim 52 is distinguishable over Fukushima.

Claims 2-8, 30-35, 38-41, 43-46, 48-51 and 71 depend from independent claims 1, 29, 37, 42 or 47 directly or indirectly. For at least due to the dependency thereon, these dependent claims are also distinguishable over Fukushima.

Applicants respectfully request that the rejection of claims 1-8, 29-64 and 68-74 based on Fukushima be withdrawn.

### **CONCLUSION**

All objections and rejections raised in the Final Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

**Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants respectfully petition for a three (3) months extension of time for filing a reply in connection with the present application, and the required fee is attached hereto.**

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: June 28, 2006

Respectfully submitted,

*HNS*

By *Esther Chong*  
Esther H. Chong  
Registration No.: 40,953  
BIRCH, STEWART, KOLASCH  
& BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant